

about special legislation. We've had a lot of discussion on some of the questions on desegregation plan, and some of the other peripheral issues. But I think to me the issue that jumped out, when he started talking about that, was the issue of special legislation. And in just looking at it, and asking a few questions around to see what the effect of this was, I think that is indeed the case. I think that the Horgan amendment, whether it's well-intentioned, whether it's beneficial, whether any of the other was good or bad from a policy viewpoint, I think is largely irrelevant. The question is, does it violate Section 18 of Article III of the Constitution? We just had a case recently that, I know the Lincoln senators anyway would remember by name, and that's the Haman case that was decided a couple months ago dealing with the Commonwealth appropriation of LB 272A from last session. That case was decided on the same grounds that a challenge to this case would be decided, and that is, is it an appropriation to special legislation, or is it special legislation? In that case it was. We've got basically the same situation. There you had Commonwealth depositors who had, at the time of the appropriation, at the time the legislation was passed, they were an exact number, an exact people, nobody else could get into that class. In this situation, the way I understand it, we've got 33 students that it's referring to, nobody else can be joined into that class, so we've got a class that isn't going to change, it's going to diminish, as Senator Horgan has pointed out. But nobody else can get into that class, because nobody else can fit within that qualification, other than those who are already there. So I think it is very clearly special legislation, because of that. At least from my viewpoint, I don't think I have to arrive at the merits of whether it's good policy, bad policy, or anything like that. So I think it's a clear constitutional violation. And because of that, I am going to vote to return the bill to Select File and I'll have to vote to strike the amendment.

PRESIDENT MOUL: Thank you, Senator Lindsay. Senator Robinson, followed by...

SENATOR ROBINSON: Question.

PRESIDENT MOUL: Okay. Are there sufficient seconds? There are. We will vote on the motion to call the question. All those in favor please vote aye, opposed nay. Have you all voted on the motion to cease debate? Please record, Mr. Clerk.